



POLICE DEPARTMENT

April 3, 2014

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Shareen Grant  
Tax Registry No. 926901  
Bronx Court Section  
Disciplinary Case No. 2012-8083  
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The above-named member of the Department appeared before the Court on September 17, 2013, and January 22, 2014, charged with the following:

1. Said Police Officer Shareen Grant, assigned to the Bronx Court Section, while on duty, on November 8, 2011, at or about 2300 hours, in the vicinity of [REDACTED], did fail to provide her name and shield number to Marc Bobroff when requested.

P.G. 203-09 PUBLIC CONTACT, NAME AND SHIELD

The Department Advocate's Office was represented by Mary Lynne Frey, Esq.  
Respondent was represented by Craig Hayes, Esq., Worth, Longworth & London LLP.

Respondent, through her counsel, entered a plea of Not Guilty to the subject charge. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent is found Guilty.

SUMMARY OF EVIDENCE PRESENTED

The Department's Case

The Department called Marc Bobroff and Sergeant Loukas Mitskaris as witnesses.

Marc Bobroff

Bobroff, a 28-and-a-half year New York State Court Officer in the Bronx, retired in November 2010. He testified that about a year later, on November 8, 2011, around 2300 hours, he parked his car in a lot adjacent to [REDACTED]. This parking lot was used by "police, corrections, parole, probation, and other law enforcement agencies." Bobroff would park in this lot often when he would visit people he knew during his employment at the courthouse.

Prior to exiting his car, Bobroff placed a "court officer placard" on the windshield of his car. This was a "courtesy placard" with no official standing, but which was given to Bobroff so that he could park in the same areas as court officers. Bobroff exited his car with his two dogs, a Chihuahua and a pit bull/husky mix.

As he was leaving the dimly lit parking lot, Bobroff was confronted by two women in regular clothes (i.e., Respondent and retired Police Officer Arlene Sykes). Bobroff was unable to describe their clothing further but he did not see anything indicating that they were police officers, including a shield.

The women told Bobroff that he could not park there and would have to get back in his car and leave. Bobroff asked the two women who they were. They responded "something to the effect of never mind who we are, get back in your car and leave, you can't park here." Bobroff replied that he would not do anything until the two women identified themselves to him as

people with the authority to give him instructions. According to Bobroff, this exchange went back and forth and lasted upwards of half an hour.

While neither of the two women cursed at Bobroff, they raised their voices and he described their demeanor as agitated. When he offered to show his shield if the two women showed him their identification (ID), Bobroff referred to his shield as his "tin." He believed that a law enforcement officer would know that jargon and understand him to be one of them. The women did not recognize his terminology, leading him to believe that they were not police officers. When Bobroff identified himself as a court officer, the two women said that they did not believe him because "no cop would park here with dogs." Neither of the women verbally identified themselves as police officers to Bobroff or showed him any type of ID or shield.

After about 20 to 30 minutes, a male in regular clothes (i.e., Sergeant Loukas Mitskaris) approached them and asked what was going on. Bobroff asked Mitskaris who he was and the man produced a shield case with an ID card Bobroff recognized as that of an officer. Bobroff told the man that based on his ID he assumed he was an officer, so Bobroff displayed his own shield and ID. One of the women approached Bobroff and asked to see this ID, but Bobroff said that he would not show it to her because he still did not know who she was.

Mitskaris asked for the location of Bobroff's car. Bobroff told him. Mitskaris also asked if he had a placard in the windshield and Bobroff told him that he did. Mitskaris walked over to the car, looked at the placard, and told the women that they could leave.

This exchange lasted a minute or two. One of the women said to the other, "[C]an you believe this guy?" Neither of Bobroff's dogs became agitated, although Bobroff admitted that he did not offer to put his dogs back in his car. Bobroff later learned that the male officer was a sergeant.

Bobroff returned to the lot the next day to find that his car no longer was there. He spoke to two male detectives in the parking lot who told Bobroff that it was towed earlier that morning, apparently by officers from central booking. Bobroff retrieved his vehicle and was issued a summons. The summons later was dismissed for facial insufficiency.

Bobroff stated that he filed a complaint with the Civilian Complaint Review Board (CCRB) against the two female officers because he thought they should have identified themselves to demonstrate that they had the authority to tell him he was not permitted to park in the lot. He also found them to be argumentative.

On cross examination, Bobroff testified that he was issued the vehicle placard by his union. It stated, "Court Officer, New York State" and had the New York State Courts insignia. It also had an expiration date. Bobroff contended that the placard allowed him to park where court officers were allowed to park. Active-duty court officers knew that he parked in the lot. He confirmed, however, that the placard was a union courtesy and had no official authority. Bobroff would receive these placards annually before he retired and continued to receive it in 2011 after his retirement. He conceded that the placards no longer were issued to retirees and non active members.

On November 8, 2011, Bobroff parked in the lot adjacent to the courthouse because he was going to visit the courts the next morning. He was sleeping at a nearby friend's house overnight. He recalled that there was signage at the entrance to the lot permitting only authorized personnel to park there. The lot was for employees with a direct or indirect connection to the court system.

Bobroff could not recall precisely what color clothing the two women were wearing, but was able to discern that neither was wearing a police uniform or anything to indicate they were



officers. He admitted that he frequently saw police officers, court officers and probation officers in the lot. Based on the unwillingness of the two women to show him their identification, Bobroff "assumed" that they likely were not officers, as an officer would have complied.

Bobroff was a little annoyed but he was not acting out, yelling, screaming, jumping up and down, or threatening the women.

Bobroff indicated that Mitskaris identified himself to Bobroff, after which Bobroff produced his ID. Mitskaris never asked the women for their identification.

On re-direct examination, Bobroff testified that he did not recall if he discussed the placard in his windshield with the female officers. Bobroff kept his dogs back because he was concerned that they might become agitated and jump on one of the women due to the arguing. He wanted to keep the situation calm.

#### Sergeant Loukas Mitskaris

Mitskaris, a 15-year member of the New York City Police Department (NYPD), had been assigned to the Bronx Court Section (BXCS) since February 2008. On November 8, 2011, Respondent and Sykes were under his supervision. At the end of his tour, Mitskaris was walking in the parking lot to his car. He described the lot as shared by uniformed officers and others, until 1700 hours, when it became open to the general public. There was a sign at the entrance to the lot that read, "NYPD parking only. Unauthorized vehicles will be towed."

Mitskaris testified that he came across Respondent, Sykes and a man (i.e., Bobroff) engaged in conversation. Respondent and Sykes did not know the man or what he was doing there. They were going back and forth regarding identification.

Respondent and Sykes told Mitskaris that they saw Bobroff walking his dogs. They questioned him about why he was in the parking lot.

Mitskaris described Bobroff, Respondent and Sykes as being a little agitated at this point, standing between 5 and 8 feet apart, and speaking with slightly raised voices.

Mitskaris told Bobroff his name and rank. He also showed his ID card, after which Bobroff immediately showed Mitskaris his ID. Mitskaris was “more or less satisfied” with Bobroff’s ID, which indicated that he was a retired court officer. Mitskaris then indicated that everyone should just go home because the situation was resolved. Mitskaris was present for approximately five minutes of the incident.

The following day Mitskaris was made aware that Bobroff’s car was towed from the lot by BXCS.

On cross examination, Mitskaris testified that when he first approached the conversation, he was able to recognize Respondent and Sykes in the parking lot from 20 feet away. Respondent and Sykes had their jackets on because it was cold. Respondent and Sykes referred to Mitskaris as “Sarge” from a distance that Bobroff would have been able to hear them.

The lot in question was fenced off. Mitskaris “generally” did not see members of the public using it. Mitskaris conceded that he stated in his CCRB interview that retired court officers generally did not receive parking privileges there.

Upon examination by the Court, Mitskaris said that when he approached the female officers, he saw that they were wearing regular civilian jackets, not uniform jackets.

The day after the incident, Mitskaris found out about Bobroff’s car being towed “in an unofficial way, like, hey, did you hear what happened.” Mitskaris checked with his administrative lieutenant, who confirmed it.

Respondent's Case

Respondent called Arlene Sykes as a witness and testified on her own behalf.

Respondent

Respondent was assigned to BXCS. On November 8, 2011, at 2300 hours, she was with Sykes in the lot in question. Respondent had worked a day tour but also had done overtime. Both Respondent and Sykes were wearing their uniforms with coats over their uniforms. Their shields and name tags were affixed to their uniforms.

Respondent and Sykes saw a man (i.e., Bobroff) exiting his car with two dogs. He was dressed in regular clothes. Respondent thought that one of the dogs was a type of pit bull, but the other was smaller.

Respondent and Sykes approached Bobroff and asked who he was. Bobroff irately turned around and responded that they should show him their identification. Bobroff was raising his voice and "seemed a bit agitated; that he was being asked anything." He said to Respondent and Sykes, "I don't know who you are. . . . [Y]ou could be a bunch of skulls. I don't know where you're coming from." He repeatedly said that he did not have to answer their questions because he did not know who they were.

Sykes told Bobroff that she and Respondent worked at the courthouse and had never seen him before. Sykes repeatedly asked for his ID and he repeatedly refused, instead asking to see her ID while raising his voice. Neither Respondent nor Sykes raised their voices or used profanity while talking to Bobroff.

Respondent told Bobroff that she was a police officer. Her jacket was open, making her shield visible to Bobroff. He nevertheless expressed doubt as to whether Respondent or Sykes were in fact police officers.

Based on how Bobroff was talking, Respondent thought that he was intoxicated. Additionally, Bobroff's dogs were in between him, and Respondent and Sykes, although Respondent conceded that they did not act up or bark. The conversation lasted approximately eight minutes.

At that point, Mitskaris, in civilian attire, walked through the parking lot and approached the group. He pulled out his ID and showed it to Bobroff, who in turn pulled out his own ID and showed it to Mitskaris. When Sykes tried to look at Bobroff's ID, he pulled it away so that she could not see it.

On cross examination, Respondent confirmed that she and Sykes did not show Bobroff their IDs, or state their names or ranks, because they were trying to diffuse the situation.

Respondent believed that Bobroff was able to see her shield, even though she was wearing a coat over her uniform. The coat reached to her hip. The parking lot was lit sufficiently.

Although Respondent claimed Bobroff was intoxicated, she admitted that she did not see any alcoholic beverages. She did not smell alcohol on his breath, though it was cold out. They were standing 3 to 5 feet apart. Bobroff was not stumbling or falling down.

Mitskaris and Bobroff spoke for maybe five minutes, at which point Bobroff provided Mitskaris with his ID. Shortly thereafter everyone left the parking lot.



Arlene Sykes

Sykes was a police officer for 23 years and recently retired from the Department. On November 8, 2011, she was assigned to BXCS. She left work at about 2300 hours and went to her car with Respondent in the [REDACTED]. Sykes and Respondent were co-workers and friends.

Sykes was wearing her uniform, with her shield and name tag affixed, and a jacket over her shirt. Despite the jacket, her shield was visible for others to see. While walking through the parking lot, Sykes saw a man (i.e., Bobroff) getting out of a car with two dogs. One was a large dog and the other was smaller. Sykes thought that the man was walking his dogs in the lot. Sykes told him that the lot was for NYPD personnel only and asked to see his ID.

Sykes testified that Bobroff became "irate and angry" and refused to produce ID. He said, in an "outburst," that he did not have to show Sykes his identification and was not going to show it to her. His voice was raised and his demeanor was antagonistic. Sykes continued to explain that it was an NYPD parking lot and she needed to see his ID. Sykes tried to calm Bobroff down but he would not listen. She was unable to get close to him because he was "pitting" his dogs between himself and Sykes.

Sykes testified that Bobroff said he would not show Sykes his ID because he did not know who she was; she might be a "skell." Sykes later testified, however, that Bobroff never expressed doubts that she or Respondent were police officers.

Sykes believed that Bobroff was trying to avoid showing his ID, which heightened her suspicion. Bobroff claimed that he worked in the courthouse, and when Sykes inquired further, he told her he had a parking plaque for his car. Sykes did not approach the car to examine this plaque, however, because she was afraid of getting bitten by the dogs.

Sykes asserted that Bobroff never asked her to produce her ID. Sykes took out her phone to call inside to have someone come to the lot to arrest him. Bobroff responded, “[G]o ahead, dial the fucking phone.” At this point, Mitskaris approached the scene, so Sykes put her phone away and told him what was happening.

Bobroff showed his ID to Mitskaris and said that he worked in the courthouse. When Bobroff spoke with Mitskaris, who was not in uniform, Bobroff spoke in a “more level tone” than when he spoke with Sykes and Respondent. When Sykes “reached out,” however, Bobroff said, “I’m not giving you my ID. I don’t know who you are.”

Mitskaris walked away and got in his car. Sykes was unable to enter her vehicle because the dogs were blocking her path, but she eventually was able to get there. The next day, Sykes reported the incident to her supervisors because Bobroff’s car still was in the parking lot. Sykes saw the plaque in the windshield.

On cross examination, Sykes said that the exchange between the female officers and Bobroff lasted less than 10 minutes. Sykes denied that her temper was raised. She explained, “I’m used to that type of confrontation. So my strategy is to deescalate which is why at one point I told him, it’s okay if you stay in the lot, let me just see your ID, to see if that would calm him down but that didn’t work.”

When Bobroff exclaimed that Sykes could be a skell, she replied that she worked in the courthouse. Bobroff responded that he was “on the job.” Sykes felt that Bobroff was escalating the situation by not answering her questions.

After Sykes reported that Bobroff’s car still was in the lot, she was informed that he was a retired court officer. Sykes conceded that she received a command discipline (CD) for not providing her name and shield number to Bobroff.

On re-direct examination, Sykes explained that she accepted the CD because she was retiring and wanted to accelerate the process.

### FINDINGS AND ANALYSIS

The material facts in this case are not disputed. Marc Bobroff was a retired New York State Court Officer. He worked for many years in the Bronx County court buildings. On the evening of November 8, 2011, Bobroff returned to that area and parked his vehicle in one of the nearby parking lots. He was there to visit friends.

This lot was marked with signs saying something like "authorized personnel only." People from various agencies, including the NYPD and New York State Courts, parked in that lot. Bobroff, nevertheless, maintained that he was allowed to park there as a courtesy because he was a retired court officer. He had an unofficial plaque issued by his union in his windshield.

After parking and exiting his car, Respondent and now-retired Police Officer Arlene Sykes exited one of the courthouses and came to the lot. Both were assigned to the Bronx Court Section. The officers were in uniform but they had coats over, as it was nighttime in November. Respondent and Sykes confronted Bobroff, telling him that the lot was restricted and he could not park there. Bobroff responded in sum and substance that he was "on the job." Undeterred, Respondent and Sykes demanded that Bobroff show them identification. In response, Bobroff demanded to see their IDs. The individuals went back and forth like this until the officers' sergeant emerged from the courthouse and came over to the confrontation. The sergeant showed Bobroff his Department ID card. This seemed to satisfy Bobroff and everyone went on their way.

It is charged that Respondent “fail[ed] to provide her name and shield number to Marc Bobroff when requested.” Patrol Guide § 203-09 (1) instructs members of the service to: “Courteously and clearly state your rank, name, shield number and command, or otherwise provide them, to anyone who requests you to do so.” Respondent argued that Bobroff did not actually ask her for any of this information and, for that matter, did not actually want to know her name and shield number. Instead, he merely demanded to see her Department ID card, which she purportedly should have had if she was claiming to be a police officer.

The Court rejects Respondent’s argument. The exact wording used by Bobroff and why he wanted the information are immaterial to determining Respondent’s obligations during the incident. A member of the public, retired court officer or not, cannot be expected to cite chapter-and-verse from the Patrol Guide. Moreover, while Bobroff’s demeanor in asking for the information might have been rude, the cases of this tribunal are replete with complainants whose attitude can be described as combative or obnoxious. The name and shield requirement was not altered. See, e.g., Case No. 78518/03 (Jan. 2, 2004); Case No. 75430/00 (July 11, 2001).

Here, Respondent was asserting to a member of the public that she was a police officer. A member of the public asked to see her Department ID card. That triggered the Patrol Guide’s requirement that she provide her name and shield number to the member of the public. See 75430/00, pp. 4, 9-10 (interpreting complainant’s testimony that he asked officers “for their names, shield numbers, precinct, and identification” as that he asked for “identification” from them). Respondent could have fulfilled the obligation by showing Bobroff her ID card, as he requested. See Case No. 79482/03, p. 11 (Aug. 9, 2004) (officer complied with request to give out shield number by pointing to his shield on his uniform). Therefore, Respondent is found Guilty.



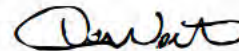
PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Educ., 34 N.Y.2d 222, 240 (1974). Respondent was appointed to the Department on September 29, 2000. Information from her personnel folder that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has been found Guilty of failing to provide her name and shield number to a member of the public who was asking for the information. The citizen was a retired court officer attempting to park in a restricted courthouse lot. Respondent and another officer confronted the individual. The individual demanded to see their Department ID cards.

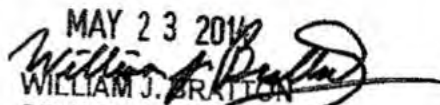
The officer that was with Respondent accepted a command discipline and was penalized with the forfeiture of 3 vacation days. That penalty is in line with precedent from this tribunal. See, e.g., *Case No. 83731/08* (Apr. 29, 2009). Therefore, the Court recommends that Respondent forfeit 3 vacation days as well.

Respectfully submitted,



David S. Weisel  
Assistant Deputy Commissioner - Trials

**APPROVED**

MAY 23 2014  
  
WILLIAM J. BRATTON  
POLICE COMMISSIONER

POLICE DEPARTMENT  
CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER SHAREEN GRANT  
TAX REGISTRY NO. 926901  
DISCIPLINARY CASE NO. 2012-8083

In her last three annual evaluations, Respondent received an overall rating of 4.5  
“Extremely Competent/Highly Competent.” [REDACTED]

[REDACTED]. Respondent does not have a prior formal disciplinary record.

For your consideration.



David S. Weisel  
Assistant Deputy Commissioner – Trials